

THE WHITE HOUSE

WASHINGTON

May 18, 2007

Dear Mr. Chairman:

I write in response to your letter of May 4, 2007, regarding your investigation into the pre-war intelligence and Iraq's attempts to develop nuclear weapons. In addition to requesting documents reflecting particular communications between the Executive Office of the President and the Departments of State and Defense and the Central Intelligence Agency, you also ask for "all internal EOP documents and communications," including any relating to the statement in the 2003 State of the Union Address that the "British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

The Committee's purpose in pursuing this inquiry into pre-war intelligence is unclear. The very same subject matter--the accuracy of pre-war intelligence regarding Iraq's possession of weapons of mass destruction, including the specific issue "whether Iraq sought uranium from Niger"--has been extensively and exhaustively examined by at least one other committee of Congress and expert bipartisan commissions. Indeed, few matters in recent times have been as thoroughly examined as this one.

Prior inquiries have been conducted by, among others, a committee of Congress with expertise in intelligence and an independent bipartisan commission. These inquiries have proceeded with diligence over the past few years and resulted in the publication of lengthy reports containing detailed findings, analyses, and recommendations for change. The Executive Branch, to my knowledge, has cooperated with those inquiries by making scores of individuals available for interviews and testimony and disclosing tens of thousands of pages of documents. So, too, has the White House appropriately accommodated previous requests for information. Administration officials have gone to lengths to address matters that your request seeks to examine anew. The prior inquiries and information otherwise available to the Committee include the following:

- Assessments of the Senate Select Committee on Intelligence ("SSCI"): Beginning in approximately June 2003, the SSCI conducted a thorough inquiry into pre-war intelligence and the existence of weapons of mass destruction in Iraq. The SSCI's evaluation included numerous hearings, interviews of hundreds of individuals, and a review of over 30,000 pages of documents. The SSCI published its first report, entitled "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq," in both

classified and unclassified formats in 2004. The report extends over 500 pages and addresses, among other matters, the intelligence community's assessments of Iraq's attempts to acquire uranium from Niger. The SSCI observed that its findings and recommendations contributed to the enactment of the Intelligence Reform and Terrorism Prevention Act, which significantly reformed the intelligence community.

- The House Permanent Select Committee on Intelligence ("HPSCI"): To my knowledge, the HPSCI also has received materials related to pre-war intelligence, including the September 2003 Joint Report of the Inspectors General of CIA and State on the Alleged Iraqi Attempts to Procure Uranium from Niger--one of the documents you request from the White House.
- The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction: At the President's direction, this bipartisan independent commission, which was co-chaired by Senator Charles S. Robb and Judge Laurence H. Silberman, undertook an extensive evaluation of the intelligence community's pre-war judgments regarding Iraq's weapons of mass destruction. With the assistance of a professional staff consisting of independent intelligence experts, the Commission undertook its work over approximately 13 months and published its findings and recommendations in a 600-page report in both classified and unclassified formats. The Commission's report, which is publicly available, reflects a comprehensive review of numerous matters concerning pre-war intelligence, including the same matters that your Committee wishes to investigate.
- "Review of Intelligence on Weapons of Mass Destruction," Report of a Committee of Privy Counselors, July 10, 2004 (the "Butler Report"): In February 2004, the Prime Minister of the United Kingdom established a committee to review intelligence on weapons of mass destruction, specifically as that intelligence related to Iraq through March 2003. The Butler Report, issued in July 2004 and widely available from public sources, analyzed in detail matters closely related to the request of your Committee. The Butler Report specifically examined the British intelligence referred to in the 2003 State of the Union Address.
- Press Briefing on President's 2003 State of Union Address: On July 22, 2003, White House officials provided a lengthy press briefing, a transcript of which is also available, to explain the inclusion in the President's 2003 State of the Union Address of the statement regarding Iraq seeking to acquire uranium from Africa.

These prior inquiries, combined with the information otherwise available to the Committee, demonstrate not only that Congress and others have extensively examined the matter of pre-war intelligence

and specifically the use of particular intelligence in the 2003 State of the Union Address, but also that the Executive Branch has accommodated those inquiries. We believe that the Executive Branch has appropriately and sufficiently responded to the legitimate needs of Congress on the subject matter of your current inquiry. Significantly, Congress's principal inquiry was undertaken by a committee, the Senate Select Committee on Intelligence, with clear authority and expertise in intelligence matters. Your request also relates to actions exclusively committed by the Constitution to the President, including development of the State of the Union Address. In these circumstances and given the breadth of the requests and the obvious constitutional issues raised, we respectfully request to be provided with an explanation of the legislative purposes or interests being pursued by your present investigation. That will be of significant assistance to our continuing evaluation of your letter.

Thank you for your consideration of this request. Please contact me at (202) 456-2632 if you have any questions about this response.

Sincerely,



Fred F. Fielding
Counsel to the President

cc: The Honorable Thomas M. Davis III

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